

UNITED STATES DISTRICT COURT

MARIO ROEDERER, individually, and on)
behalf of **FLOWJO, LLC**, an Oregon)
Limited Liability Company,)

Plaintiffs,)

No. 1:13-cv-01021-CL

V.)

STIPULATION

ADAM TREISTER, individually, and
TREE STAR, INC., an Oregon corporation,

Defendants.)

STIPULATION

Plaintiff Mario Roederer, and Defendants Adam Treister and Tree Star, Inc., (collectively referred to as “the Parties”), by their respective counsel, hereby stipulate as follows:

1. Plaintiff filed his Motion for Preliminary Injunction (Dkt. 33) and the Court set the same for hearing on December 17, 2013 and thereafter, pursuant to its Minute Order and Minutes of Proceedings dated October 25, 2013 (Dkt. 43);

2. Thereafter the Parties entered into discussions to mediate the case and have agreed to enter and continue the Motion for Preliminary Injunction and vacate the preliminary injunction dates on the terms contained herein;

3. Defendants shall pay the amount of Five Hundred Ninety-Nine Thousand Three Hundred Eighty-Nine and Seventy Hundredths Dollars (\$599,389.70) to Plaintiff via wire transfer or ACH transfer within ten (10) days of entry of this Stipulation (“Stipulated Amount”);

4. The Stipulated Amount is paid without prejudice to Plaintiff in any regard, other than if any damages are awarded in this case, those damages will be reduced by the Stipulated Amount received by Plaintiff;

5. Defendants agree not to transfer any intellectual property and assets in any way related to the allegations made in this case and further agree to operate Defendant Tree Star, Inc. ("Tree Star") in the ordinary course of business and do nothing to transfer, sell, harm, diminish or dilute the value of the intellectual property and assets referenced;

6. No deposition will take place before the mediation, unless agreed to by all Parties;

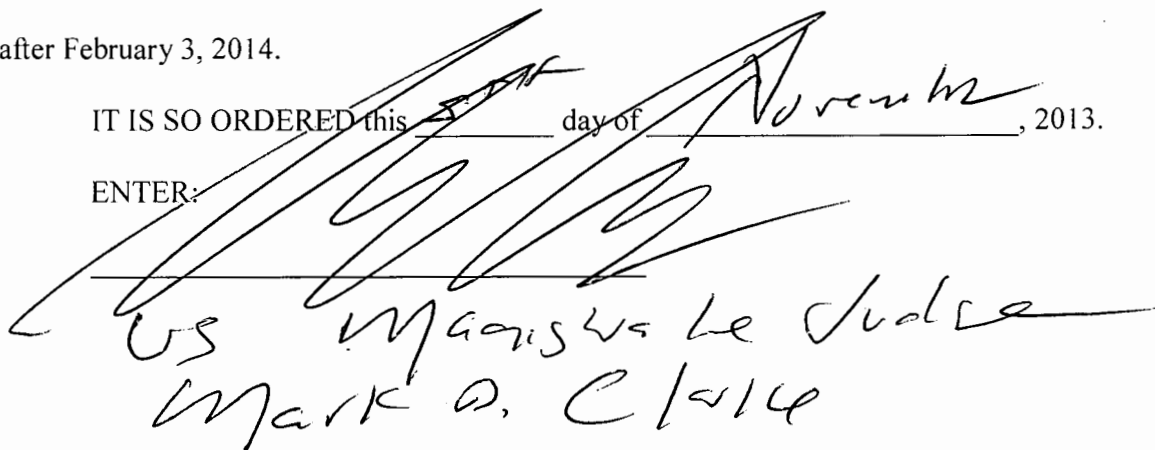
7. The Parties are directed to focus any written discovery before the mediation to issues reasonably likely to assist in the mediation process and exercise best efforts to resolve any disputes in accordance therewith;

8. The Parties shall mediate with a mutually agreed mediator during the week of December 16, 2013;

9. This matter is set for telephonic status on December __, 2013 to advise the Court on status of mediation and, if necessary, set dates for hearing on the preliminary injunction on or after February 3, 2014.

IT IS SO ORDERED this 5th day of November, 2013.

ENTER:


US Magistrate Judge
Mark D. Clarke

AGREED:

MARIO ROEDERER

/s/ Todd A. Rowden
One of His Attorneys

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ADAM TREISTER and TREE STAR, INC.

/s/ Bernard S. Moore
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